

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANIBAL GUTAMA,

Plaintiff,

-against-

WHITESTONE AIR INC., KONSTANTINA
BISCARDI a/k/a KONSTANTINA TEGERIDES, and
MICHAEL TEGRERIDES,

Defendants.

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Konstantina Biscardi declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am the President and majority shareholder of Defendant Whitestone Air, Inc. (hereinafter “Whitestone” or the “Corporate Defendant”).
2. I am familiar with all the facts and circumstances heretofore had herein based upon my personal knowledge in addition to information I have learned from my counsel about this case.
3. I submit this declaration in support of the Defendants’ Order to show cause to vacate the default judgment improperly entered against Whitestone, myself, and Defendant Michael Tegerides, incorrectly sued herein as Michael Tegrerides (hereinafter “Tegerides”), who is my husband as well as the Vice President and minority shareholder of Whitestone.
4. I never received notice of this lawsuit in April 2023 as averred by a process server, nor was I ever actually served.
5. During that time, I was undergoing chemotherapy and radiation after being diagnosed with cancer in December 2018 and having a surgery performed on me in March 2022, whereupon I was frequently absent from my home for doctor’s appointments.

Case No.: 1:23-cv-2802 (ENV) (PK)

**DECLARATION OF KONSTANTINA
BISCARDI IN SUPPORT OF ORDER TO
SHOW CAUSE TO VACATE DEFAULT
JUDGMENT**

6. Needless to say, my entire life was turned upside down and both my husband and I were frequently not home due to doctor's appointments and related matters.

7. Of course, with me attending to my health and my husband as my primary caretaker, it was difficult for him to get work done and he was often away from the home performing service and repair jobs for Whitestone when he was not taking care of me in order to put food on the table and make ends meet.

8. I handle the mail at my home and, had I actually received notice of this lawsuit, I would have taken it seriously and immediately hired an attorney.

9. Prior to learning that our personal bank account had been frozen in late February 2025, I was unaware that any lawsuit was filed against me, my husband, or our company.

10. I immediately responded to the lawsuit by and through counsel upon learning that our personal bank account had been frozen.

11. My husband I would have immediately responded to the complaint had it been properly served on us.

12. The Plaintiff Anibal Gutama was never an employee of Whitestone; he was an independent contractor who we paid as a 1099.

13. He had his own van and his own tools; he was not always available for jobs and we used him when my husband was already busy on other jobs if he confirmed that he can do a job that we had available to him. I am advised by our counsel that independent contractors such as him are not entitled to protection under the federal and state wage-and-hour laws.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 16, 2025.


mike teger (Mar 16, 2025 21:14 EDT)
Konstantina Biscardi